

**Remarks**

Claims 14, 16, and 19-95 are pending in the instant application.

Applicants respectfully traverse the restriction requirement set forth in Paper No.23 for the reasons stated in the petition under 37 C.F.R. §§ 1.144 and 1.181(c) submitted herewith, which is hereby incorporated by reference.

In a conference with John Doll, the Director of Group 1600, Applicants were informed that they could submit the instant petition with the preliminary election with traverse. Therefore, it was Applicants' understanding that, even though the Examiner has not yet deemed the restriction requirement final, the instant petition would nonetheless be considered timely filed.

***Provisional Election***

The Examiner has required an election under 35 U.S.C. § 121 of one of twenty-seven groups cast by the Examiner. *See* Paper No. 23, pages 2-5. The Examiner contends that each group set out by the Examiner is independent of the others. In order to be fully responsive, Applicants hereby elect, with traverse, the subject matter of Group 1, *i.e.*, an isolated protein comprising amino acids 1 to 223 of SEQ ID NO:2 (represented by claims 21(a), 22, 32-33, and 35-37). To the extent that the Examiner requests that Applicants "list all claims readable on the elected invention" (*see* Paper No. 23, page 5), Applicants point out that claims 21-95 are readable on the elected invention

Applicants reserve the right to file one or more divisional applications directed to non-elected inventions should the additional restriction requirement be made final. In such a case, Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

*Conclusion*

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the instant application. If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Dated: 19 Sept. 2002

Charles E. Van Horn  
Charles E. Van Horn  
Reg. No. 40,266